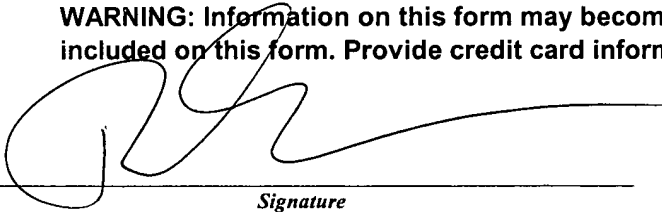
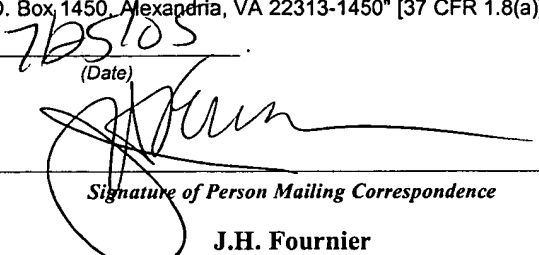


FFW

AMENDMENT TRANSMITTAL LETTER (Large Entity)				Docket No. 19357-095242	
Applicant(s): Cleland					
Application No. 10/674,004	Filing Date 09/29/2003	Examiner Strimbu	Customer No. 28886	Group Art Unit 3634	Confirmation No. 2387
Invention: LOW MOUNTED POWERED OPENING SYSTEM AND CONTROL MECHANISM					
COMMISSIONER FOR PATENTS:					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	9 -	20 =	0	x \$50.00	\$0.00
INDEP. CLAIMS	1 -	3 =	0	x \$200.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 50-1759 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038.					
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
 _____ <i>Signature</i>			Dated: July 25, 2005		
Robin W. Asher, Reg. No. 41,590 Clark Hill PLC 500 Woodward Avenue, Suite 3500 Detroit, MI 48226-3435			<div style="border: 1px solid black; padding: 5px;"> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <div style="text-align: center;">  _____ <i>Signature of Person Mailing Correspondence</i> </div> <div style="text-align: center;"> J.H. Fournier _____ <i>Typed or Printed Name of Person Mailing Correspondence</i> </div> </div>		
CC:					



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3634)
)
Examiner: Strimbu, Gregory J.)
)
Applicant(s): Terry P. Cleland) **ELECTION**
)
Serial No.: 10/674,004)
)
Filing Date: 09/29/2003)
)
Title: Low-Mounted Powered Opening System)
and Control Mechanism)
_____)

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action dated June 29, 2005. Claims 1-23 are subject to a restriction and/or election requirement.

The Examiner contends that the claims require a restriction/election to one of the following inventions under 35 U.S.C. 121:

Group I, claims 1-9 and 16-22, drawn to a liftgate operating system, classified in class 049, subclass 339; and

Group II, claims 10-15 and 23, drawn to a method of driving a strut, classified in class 049, subclass 506.

The Examiner states the inventions are distinct if it can be shown that (1) the process for using the product as claimed can be practiced with another materially different product, or (2) the product as claimed can be used in a materially different process of using that product. In the instant case, the Examiner contends that the process for using the product can be practiced by a vehicle door lift that does not include a movable pivot axis and the product can be used in a process that does not include cinching the liftgate to a latched condition.

In response, Applicant hereby elects, without traverse, to continue prosecution for the group the Examiner has identified as Group I, claims 1-9 and 16-22, drawn to a liftgate operating system.

Additionally, the Examiner has indicated that should Applicant elect the invention of Group I, then Applicant is required to select one of the following patentably distinct species of the claimed invention:

Group III, Figures 1-15;

Group IV, Figures 23-25;

Group V, Figures 26-35; and

Group VI, Figures 36-38.

Figures 16-22 are deemed to be generic to any one of the groups listed and claims 1-5 are generic.

In response, Applicant elects the species identified as Group III, Figures 1-15.

Applicant further identifies the claims which are readable on the elected species are claims 1-9.

It is respectfully submitted that this patent application is in condition for examination on the merits, which is respectfully solicited. If the Examiner has any questions regarding this election or patent application, the Examiner is invited to contact the undersigned.

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment of the above fees associated with this Communication to Deposit Account No. 50-1759. A duplicate copy of this form is attached.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line extending to the right.

Robin W. Asher
Registration No. 41,590

Clark Hill PLC.
500 Woodward Ave., Suite 3500
Detroit, MI 48226
(313) 965-8665

Date: July 21, 2003

Attorney Docket No. 19357.095242